



General Assembly

January Session, 2011

Raised Bill No. 1229

LCO No. 5045

05045_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING EVIDENCE AND DETENTION IN JUVENILE MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (j) of section 46b-140 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (j) Except as otherwise provided in this section, the court may order
5 a child be (1) committed to the Department of Children and Families
6 and be placed directly in a residential facility within this state and
7 under contract with said department, or (2) committed to the
8 Commissioner of Children and Families for placement by the
9 commissioner, in said commissioner's discretion, (A) with respect to
10 the juvenile offenders determined by the Department of Children and
11 Families to be the highest risk, in the Connecticut Juvenile Training
12 School, if the juvenile offender is a male, or in another state facility,
13 presumptively for a minimum period of twelve months, or (B) in a
14 private residential or day treatment facility within or outside this state,
15 or (C) on parole. The commissioner shall use a risk and needs
16 assessment classification system to ensure that male children who are

17 in the highest risk level will be placed in the Connecticut Juvenile
18 Training School. If the court orders that a child be committed under
19 this subsection, the court shall reduce such child's commitment by the
20 number of days the child was detained prior to the disposition of the
21 juvenile offense in (i) a juvenile detention center, an alternative
22 detention center, the Connecticut Juvenile Training School or any other
23 facility or hospital pursuant to a detention order, or (ii) a police station,
24 courthouse lockup or correctional facility.

25 Sec. 2. Subsections (b) and (c) of section 46b-137 of the general
26 statutes are repealed and the following is substituted in lieu thereof
27 (*Effective October 1, 2011*):

28 (b) Any admission, confession or statement, written or oral, made
29 by a child sixteen years of age to a police officer or Juvenile Court
30 official [, except an admission, confession or statement, written or oral,
31 made by a child sixteen years of age to a police officer in connection
32 with a case transferred to the Juvenile Court from the youthful
33 offender docket, regular criminal docket of the Superior Court or any
34 docket for the presentment of defendants in motor vehicle matters,]
35 shall be inadmissible in any proceeding concerning the alleged
36 delinquency of the child making such admission, confession or
37 statement, unless (1) the police or Juvenile Court official has made
38 reasonable efforts to contact a parent or guardian of the child, and (2)
39 such child has been advised that (A) the child has the right to contact a
40 parent or guardian and to have a parent or guardian present during
41 any interview, (B) the child has the right to retain counsel or, if unable
42 to afford counsel, to have counsel appointed on behalf of the child, (C)
43 the child has the right to refuse to make any statement, and (D) any
44 statement the child makes may be introduced into evidence against the
45 child.

46 (c) The admissibility of any admission, confession or statement,
47 written or oral, made by a child sixteen years of age to a police officer
48 or Juvenile Court official [, except an admission, confession or

49 statement, written or oral, made by a child sixteen years of age to a
 50 police officer in connection with a case transferred to the Juvenile
 51 Court from the youthful offender docket, regular criminal docket of
 52 the Superior Court or any docket for the presentment of defendants in
 53 motor vehicle matters,] shall be determined by considering the totality
 54 of the circumstances at the time of the making of such admission,
 55 confession or statement. When determining the admissibility of such
 56 admission, confession or statement, the court shall consider (1) the age,
 57 experience, education, background and intelligence of the child, (2) the
 58 capacity of the child to understand the advice concerning rights and
 59 warnings required under subdivision (2) of subsection (b) of this
 60 section, the nature of the privilege against self-incrimination under the
 61 United States and Connecticut Constitutions, and the consequences of
 62 waiving such rights and privilege, (3) the opportunity the child had to
 63 speak with a parent, guardian or some other suitable individual prior
 64 to or while making such admission, confession or statement, and (4)
 65 the circumstances surrounding the making of the admission,
 66 confession or statement, including, but not limited to, (A) when and
 67 where the admission, confession or statement was made, (B) the
 68 reasonableness of proceeding, or the need to proceed, without a parent
 69 or guardian present, and (C) the reasonableness of efforts by the police
 70 or Juvenile Court official to attempt to contact a parent or guardian.

71 Sec. 3. Section 17a-7a of the general statutes is repealed and the
 72 following is substituted in lieu thereof (*Effective October 1, 2011*):

73 (a) The Commissioner of Children and Families shall adopt
 74 regulations, in accordance with chapter 54, [setting] to establish
 75 standard leave and release policies for juvenile delinquents committed
 76 to the Department of Children and Families and assigned to state
 77 facilities and private residential programs. Such regulations shall
 78 provide that juvenile delinquents shall not be eligible for:

79 (1) Any leave without an initial sixty-day evaluation of fitness and
 80 security risk, including a trial leave not exceeding one day; or [. Such

81 regulations shall provide that juvenile delinquents shall not be eligible
82 for any]

83 (2) Any leave or release without [(1)] (A) an evaluation of fitness
84 and security risk, [(2)] (B) the assignment of supervision and clear
85 identification of custody of a parent, legal guardian or other
86 responsible adult, [(3)] (C) confidential notification of local police for a
87 leave or release granted to a serious juvenile offender, and [(4)] (D) a
88 determination of eligibility immediately prior to granting the leave or
89 release of a delinquent.

90 (b) The commissioner may waive the requirement for a sixty-day
91 evaluation of fitness and security risk pursuant to subdivision (1) of
92 subsection (a) of this section for a juvenile delinquent who is
93 transferred from one facility to another if the juvenile delinquent has
94 had a satisfactory sixty-day evaluation of fitness and security risk
95 pursuant to said subdivision (1).

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	46b-140(j)
Sec. 2	October 1, 2011	46b-137(b) and (c)
Sec. 3	October 1, 2011	17a-7a

Statement of Purpose:

To provide that: (1) A child convicted as a delinquent and committed to the custody of the Commissioner of Children and Families shall receive credit for time spent in detention prior to the disposition of the offense; (2) any admission, confession or statement made by a child to a police officer or Juvenile Court official is inadmissible in any criminal prosecution of the child; and (3) the Commissioner of Children and Families may waive the requirement for a sixty-day evaluation of fitness and security and award passes for leave to children convicted as delinquent who have had such evaluation and subsequently transfer to a different facility.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]